

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06CV396-01-MU

BRIAN ALVIN ROBINSON,

Petitioner,

v.

DOUG MITCHELL,

Respondent.

**ORDER**

**THIS MATTER** is before the Court upon its own motion.

On January 9, 2007, the Court denied Petitioner's Application to Proceed In Forma Pauperis and ordered Petitioner to pay the five dollar filing fee required for filing a federal habeas petition. It has come to the Court's attention that Petitioner has already paid his filing fee.

**IT IS, THEREFORE, ORDERED that:**

1. the Clerk shall vacate the Court's January 9, 2007, order directing Petitioner to pay the five dollar filing fee required for filing his federal habeas petition; and
2. Petitioner's Application to Proceed In Forma Pauperis is **DENIED** as moot.

Signed: January 11, 2007



Graham C. Mullen  
United States District Judge

